

Message Text

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67

ACTION ARA-10

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TAGS: CI, PGOV, PINT,

SUBJ: GOC CONSTITUTIONAL REFORM

REF: 75 SANTIAGO 6207

1. SUMMARY: THE GOC CONTEMPLATES PROMULGATING FOUR CONSTITUTIONAL ACTS ON SEPTEMBER 11, 1976, AT ITS THIRD ANNIVERSARY CELEBRATION. THE ACTS WILL COVER HUMAN RIGHTS AND GOVERNMENT AUTHORITY DURING EMERGENCY SITUATIONS. THE PRESENT LEVEL OF STATE OF SIEGE MAY BE LOWERED, BUT WE CAN EXPECT ALSO THAT THE FULL IMPLEMENTATIONS OF THE NEW RIGHTS WILL BE SUSPENDED AS LONG AS A STATE OF EMERGENCY IS IN EFFECT. END SUMMARY.

2. THE SECRETARY TO THE CHILEAN COMMITTEE FOR CONSTITUTIONAL REFORM CONFIRMED TO EMBOFF THAT WITHIN 30 DAYS THE COMMITTEE PLANS TO PRESENT TO THE TEXT OF FOUR CONSTITUTIONAL ACTS TO THE PRESIDENT FOR HIS APPROVAL. THE GOC INTENDS TO PROMULGATE THESE ACTS ON SEPTEMBER 11, 1976, THE 3RD ANNIVERSARY OF THE COUP.

3. THE FOUR ACTS, REPORTED IN REFTEL, DEAL WITH THE FUNDAMENTAL BASES OF THE NEW INSTITUTIONALITY, NATIONALITY, GOVERNMENTAL AUTHORITY DURING EMERGENCY SITUATIONS, AND "HUMAN RIGHTS AND DUTIES OF CITIZENS." THE LAST WILL BE THE MOST NOTEWORTHY AND WILL

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HAVE APPROXIMATELY 30 ARTICLES. THIS WEEK'S "ERCILLA/ NEWS-

MAGAZINE REPORTEDLY WILL INCLUDE AN INTERVIEW WITH COMMITTEE PRESIDENT ENRIQUE ORTUZAR, WHO WILL DISCUSS THE FOUR ACTS IN SUBSTANCE. EMBASSY WILL REPORT FURTHER IF APPROPRIATE.

4. THE FOUR ACTS ARE THE SAME ONES MENTIONED BY PRESIDENT PINOCHET IN THE LATTER'S SEPTEMBER 11, 1975 SPEECH (PARA 7 REFTEL). IN THIS SPEECH, THE PRESIDENT PROMISED THEIR PROMULGATION WITHIN THE FIRST SIX MONTHS OF 1976. WHEN ASKED ABOUT THE DELAY IN PROMULGATION, THE COMMITTEE SECRETARY STATED THAT THE STUDIES AND RECOMMENDATIONS TO THE PRESIDENT HAD BEEN READY FOR PRESENTATION EARLIER, BUT IT WAS DECIDED TO ISSUE THE ACTS AFTER THE OAS GENERAL ASSEMBLY. ACCORDING TO THE SECRETARY, THE GOC DID NOT WANT THE MEDIA TO "MISINTERPRET" THE PROMULGATION AND THINK THAT THE OAS PRESENCE IN ANY WAY INFLUENCED THEIR ISSUANCE.

5. WHEN ASKED ABOUT A TIME SCHEDULE FOR FINISHING THE CONSTITUTION, THE SECRETARY REPLIED THAT THE COMMITTEE HAD AGREED NOT TO ESTABLISH ONE. CONSTITUTIONAL REFORM, HE ADDED, WAS TOO IMPORTANT TO RUSH, AND THE COMMITTEE'S THINKING IS TO TAKE THE TIME "NECESSARY" TO COME UP WITH A CONSTITUTION THAT WILL FIT WITHIN THE "NEW DEMOCRACY" ENVISIONED BY THE JUNTA. (THIS THOUGHT IS THE SAME AS THAT REPORTED IN SANTIAGO A-28 OF JANUARY 5, 1975).

6. COMMENT: SECRETARY KISSINGER IN REMARKS MADE TO THE PRESS JUNE 11 IN MEXICO CITY, NOTED THAT A CONSTITUTIONAL ACT ON HUMAN RIGHTS WOULD BE FORTHCOMING AND THAT THE USG WOULD WITHHOLD JUDGMENT ON HUMAN RIGHTS IN CHILE UNTIL THEN. OUR UNDERSTANDING WAS THAT THE ACT WOULD BE ISSUED SOONER THAN SEPTEMBER 11, BUT THAT DATE IS AN ENTIRELY APPROPRIATE ONE FOR THE GOC. IT IS ALSO PLAUSIBLE THAT GOC HELD UP PROMULGATION OF THE ACTS BECAUSE OF THE OASGA. INERTIA AND LACK OF ENTHUSIASM MAY ALSO HAVE CONTRIBUTED TO THE DELAY.

7. THE COMMITTEE SECRETARY NOTED THAT THE CONSTITUTIONAL ACT ON EMERGENCY POWERS WOULD PROVIDE FOR THE TEMPORARY SUSPENSION OF CERTAIN CONSTITUTIONAL RIGHTS DURING EMERGENCY SITUATIONS. HE SAID THE COMMITTEE WOULD PROBABLY RECOMMEND TO THE GOC A REDUCTION IN THE CURRENT LEVEL OF STATE OF LIMITED OFFICIAL USE

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SIEGE ON SEPTEMBER 11. EVEN WITH SUCH A REDUCTION WE CONSIDER IT UNLIKELY THAT THE NEW CONSTITUTIONAL RIGHTS WILL COME FULLY INTO EFFECT ON SEPTEMBER 11.
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